

EXHIBIT N

10/1/2020

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Sent via FedEx and E-Mail

December 19, 2019

Paul J. Gelinas Junior High School
Corinne Keane, Principal
25 Mud Road
Setauket-East Setauket, NY 11733
Ph: 631-730-4700
ckeane@3villagecsd.k12.ny.us

Re: [REDACTED]

Dear Principal Keane:

We write regarding the medical exemption request for [REDACTED]. On or about September 1, 2019, Mrs. [REDACTED] submitted a medical exemption for her daughter, [REDACTED]. This medical exemption was completed on the approved NYS form by Dr. Laura Bennett, [REDACTED] treating pediatrician for many years and a physician licensed to practice medicine in New York State. We have been advised that following submission of this medical exemption, the district physician reached out via telephone to Dr. Bennett and they discussed the contents of this medical exemption. According to Dr. Bennett, during the phone call, the district physician agreed with her that [REDACTED] should not receive the meningococcal vaccination but expressed that the language in the medical exemption was not specific enough.

On or about September 17, 2019, Mrs. [REDACTED] submitted a second medical exemption for [REDACTED]. This medical exemption was also completed on the required state form by Dr. Bennett. Dr. Bennett certified that [REDACTED] has a contraindication or precaution to the meningococcal vaccination. Dr. Bennett explained that [REDACTED] suffers from "Chronic/severe Lyme, Bartonella and Autoimmune encephalitis. POTS/Dysautonomia." Dr. Bennett noted that this exemption was for the duration of the 2019-2020 school year. In a supplemental letter supporting the medical exemption also dated September 17, 2019, Dr. Bennett explained further that the medical contraindications are [REDACTED] "ongoing treatment for autoimmune encephalitis, POTS/Dysautonomia and Chronic/Severe Lyme and Bartonella disease." Dr. Nancy H. O' Hara, [REDACTED] out of state specialist also provided a letter in support of this medical exemption and explained that [REDACTED] has been on multiple antibiotics and multiple interventions to treat her illness.

At some point after receiving this medical exemption you submitted the medical exemption to the New York State Department of Health ("NYSDOH") for review and recommendation. On November 22, 2019, the NYSDOH sent a letter to Dawn Mason, Executive Director of PPS at

Three Village Central School District. This letter from the NYSDOH recommended against accepting this medical exemption, however, in closing, the letter from the NYSDOH explains that the NYSDOH's finding is simply a recommendation and reminds the district that "the principal or person in charge of a school" is responsible for making the final determination." So, even if the NYSDOH recommends against accepting a medical exemption, the final determination is on the "principal or person in charge of [the] school." On November 25, 2019, Mrs. [REDACTED] received a letter from you denying [REDACTED] medical exemption, attaching the response from the NYSDOH and pointing out that the NYSDOH denied the medical exemption. We have been advised that Mrs. [REDACTED] has requested to meet with you and/or the district on several occasions to discuss this medical exemption but this request has been denied.

Due to [REDACTED] condition she is under the treatment of several physicians. [REDACTED] was recently seen by Dr. Caroline Hartridge due to a flare up in her symptoms. The issue of vaccination was discussed and Dr. Hartridge indicated that due to [REDACTED] current condition, vaccination with meningococcal vaccination was contraindicated and provided a medical exemption certifying that [REDACTED] has a contraindication or precaution to vaccination with the meningococcal vaccination due to "acute moderate to severe illness with or without fever – Lyme Disease (A69.20); Autoimmune encephalitis (G04.81); toxic mold (Z.77.120)". Dr. Hartridge based her opinion on the ACIP guidelines and on other nationally recognized evidence-based standard of care practice guidelines.

New York State Public Health Law states "[i]f any physician licensed to practice medicine in this state certifies that such immunization may be detrimental to a child's health, the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to the child's health". The regulations provide that "[m]ay be detrimental to the child's health means that a physician has determined that a child has a medical contraindication or precaution to a specific immunization consistent with ACIP guidance or other nationally recognized evidence-based standard of care." Evidence-based guidelines are systematically developed statements designed to help administrators, practitioners and patients make decisions about appropriate health care for specific circumstances.¹

The same regulations that set out the definitions related to a medical exemption also place the authority to accept or reject a medical exemption on the "principal or person in charge" of the school. 10 NYCRR 66-1.3. Therefore, you, as the principal or person in charge of Paul J. Gelin Junior High School, are the one responsible for making the final determination as to whether to accept or reject [REDACTED] medical exemption. We are requesting that you review the attached medical exemption from Dr. Caroling Hartridge using the ACIP guidelines and also the evidence-based standard of care guidelines and if you do so, you will find that this medical exemption is in compliance with the law and the regulations. You should be aware that once you approve a medical exemption, it cannot be contested by any other government agency or officer in New York

¹ Field MJ, Lohr KN. Institute of Medicine. Committee on Clinical Practice Guidelines. Division of Health Care Services. *Guidelines for clinical practice: from development to use*. Washington: National Academy Press, 1992.

State. If upon reexamination under these standards, you determine that the medical exemption should be denied, we will pursue this matter to the fullest extent and you and any other school official or physician responsible for denial of this medical exemption will be subject to a deposition under oath where you will be called to answer questions related to the denial of this exemption and to discuss the scientific basis for the denial.

Mrs. [REDACTED] has provided a medical exemption for [REDACTED] outlining the specific contraindications or precautions to the meningococcal vaccine, the one vaccine that [REDACTED] is missing. This medical exemption was prepared on the approved state form and signed by a NYS licensed physician. To the extent there is any uncertainty regarding accepting this valid medical exemption, we request a phone conference with at your earliest convenience to discuss [REDACTED] medical exemption and continued attendance at Paul J. Gelinas Junior High School and request that you contact our office upon receipt of this communication in order to schedule this conference.

Very truly yours,



Aaron Siri, Esq.

Encl: Medical Exemption from Dr. Caroline Hartridge, dated December 18, 2019

cc:

[REDACTED]
via E-Mail

NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Immunization/Division of Epidemiology

Immunization Requirements for School Attendance Medical Exemption Statement for Children 0-18 Years of Age

NOTE: THIS EXEMPTION FORM APPLIES ONLY TO IMMUNIZATIONS REQUIRED FOR SCHOOL ATTENDANCE

Instructions:

1. Complete information (name, DOB, etc.).
2. Indicate which vaccine(s) the medical exemption is referring to.
3. Complete contraindication/precaution information.
4. Complete date exemption ends, if applicable.
5. Complete medical provider information. Retain copy for file. Return original to facility or person requesting form.

1. Patient's Name [REDACTED]

2. Patient's Date of Birth [REDACTED] 2005

3. Patient's Address [REDACTED]

4. Name of Educational Institution Paul J. Galinas Junior High School

Guidance for medical exemptions for vaccination can be obtained from the contraindications, indications, and precautions described in the vaccine manufacturers' package insert and by the most recent recommendations of the Advisory Committee on Immunization Practices (ACIP) available in the Centers for Disease Control and Prevention publication, Guide to Vaccine Contraindications and Precautions. This guide can be found at the following website: <http://www.cdc.gov/vaccines/recs/Vac-admin/contraindications.htm>.

Please indicate which vaccine(s) the medical exemption is referring to:

- ☐ Haemophilus influenzae type b (Hib)
☐ Polio (IPV or OPV)
☐ Hepatitis B (HepB)
☐ Tetanus, Diphtheria, Pertussis (DTaP, DTP, Tdap)

- ☐ Measles, Mumps, and Rubella (MMR)
☐ Varicella (Chickenpox)
☐ Pneumococcal Conjugate Vaccine (PCV)
☒ Meningococcal Vaccine (MenACWY)

Please describe the patient's contraindication(s)/precaution(s) here: Acute moderate to severe illness within or without fever - Lyme disease (AUG 20); Autoimmune encephalitis (6.04.21); toxic mold (7.7.20)

Date exemption ends (if applicable)

Re-evaluate immune status after treatment

A New York State (licensed) physician must complete this medical exemption statement and provide their information below:

Name (print) DR. CAROLINE HARTTRIDGE

NYS Medical License # 286786

Address 735 BROAD STREET, BROOKLYN, NY 11208

DR. CAROLINE HARTTRIDGE
GENERAL PRACTITIONER
9 BEACH STREET
BROOKHAVEN, NY 11719
NPI 1588045775

Telephone 764-705-1481

Signature [Signature]

Date 12/18/19

For Institution Use ONLY: Medical Exemption Status ☐ Accepted ☒ Not Accepted Date 12/18/19